

As Introduced

136th General Assembly

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S. B. No. 249

Senators Lang, Johnson

Cosponsors: Senators Brenner, O'Brien, Reineke, Roegner, Timken

To enact section 4729.44 of the Revised Code to
authorize the dispensing of ivermectin without a
prescription.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4729.44 of the Revised Code be
enacted to read as follows:

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Sec. 4729.44. (A) As used in this section, "prescriber"
means any of the following:

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(1) A certified nurse-midwife, certified nurse
practitioner, or clinical nurse specialist who holds a current,
valid license to practice as an advanced practice registered
nurse issued under Chapter 4723. of the Revised Code;

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(2) A physician authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery or osteopathic
medicine and surgery;

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(3) A physician assistant who holds a license to practice
as a physician assistant issued under Chapter 4730. of the
Revised Code.

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(B) A pharmacist, or any pharmacy intern supervised by the

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pharmacist, may dispense ivermectin without a prescription to an 19
individual who is eighteen years of age or older, but only if 20
the drug is dispensed as follows: 21

(1) Under a protocol that satisfies the requirements of 22
division (C) (1) of this section; 23

(2) In accordance with rules adopted under this section. 24

(C) (1) All of the following apply with respect to a 25
protocol required by this section: 26

(a) The protocol shall be established by a prescriber. 27

(b) The protocol shall include provisions for implementing 28
all of the following requirements: 29

(i) Providing the individual with a screening risk 30
assessment tool; 31

(ii) Providing the individual with a standardized fact 32
sheet that describes ivermectin's indications and 33
contraindications, the appropriate method for using the drug, 34
the importance of following up with a prescriber, and any other 35
information required by the board in rule; 36

(iii) Either dispensing the ivermectin or referring the 37
individual to a pharmacy that may dispense the drug as soon as 38
practical. 39

(c) The protocol shall satisfy requirements established in 40
rules adopted by the state board of pharmacy under this section. 41

(2) In addition to the requirements of division (C) (1) of 42
this section, a protocol may include guidelines related to the 43
dosage at which ivermectin should be dispensed and the duration 44
of treatment with the drug. 45

(D) (1) When dispensing ivermectin under this section, the 46
pharmacist or pharmacy intern may charge an administrative fee 47
for services provided under this section, which is in addition 48
to any costs associated with the drug's dispensing that may be 49
paid by the individual or submitted to the individual's health 50
benefit plan for reimbursement. 51

(2) As soon as practicable after dispensing ivermectin to 52
an individual under this section, the pharmacist or pharmacy 53
intern shall inform, if known, the individual's primary care 54
provider of the drug's dispensing. 55

(E) This section does not affect the authority of a 56
pharmacist or pharmacy intern to fill or refill a prescription 57
for ivermectin. 58

(F) A prescriber who establishes a protocol that meets the 59
requirements of this section may authorize one or more 60
pharmacists, and any of the pharmacy interns supervised by the 61
one or more pharmacists, to use the protocol for the purpose of 62
dispensing ivermectin without a prescription under this section. 63

(G) (1) Both of the following apply to a pharmacist or 64
pharmacy intern who dispenses ivermectin without a prescription 65
under this section: 66

(a) A pharmacist or pharmacy intern acting in good faith 67
is not subject to criminal prosecution or professional 68
disciplinary action for any action or omission during the drug's 69
dispensing. 70

(b) A pharmacist or pharmacy intern is not liable for 71
damages in a civil action, except in cases of gross negligence 72
or willful misconduct. 73

(2) Both of the following apply to a prescriber who 74

authorizes a pharmacist or pharmacy intern to dispense 75
ivermectin without a prescription under this section: 76

(a) A prescriber acting in good faith is not subject to 77
criminal prosecution or professional disciplinary action for any 78
act or omission during the drug's dispensing. 79

(b) A prescriber is not liable for damages in a civil 80
action, except in cases of gross negligence or willful 81
misconduct. 82

(H) In consultation with the state medical board and board 83
of nursing, the board of pharmacy shall adopt rules to implement 84
this section. The rules shall specify minimum requirements for 85
protocols established by prescribers under which pharmacists or 86
pharmacy interns may dispense ivermectin without a prescription. 87
The rules shall be adopted in accordance with Chapter 119. of 88
the Revised Code. 89